

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**ELMER CAMPBELL, ET AL.,  
PLAINTIFFS**

**CASE NO. C-1-01-527  
(BECKWITH, J.)  
(HOGAN, M.J.)**

**VS.**

**INTERNATIONAL PAPER, ET AL.,  
DEFENDANTS**

**ORDER**

Before the Court are two unopposed motions, Defendants' Motion to Extend Discovery and Dispositive Motion deadlines (Doc. 74) and Plaintiffs' Motion for Leave to File Fifth Amended Complaint. (Doc. 89).

The motivation for the Fifth Amended Complaint is to add Plaintiff, Larry Brandenburg, and to assert a claim under Count VIII for disability discrimination under Chapter 4112, Ohio Revised Code. Plaintiffs argue that Mr. Brandenburg, previously named as a party to this case, has yet to be deposed. Plaintiffs also argue that Mr. Brandenburg previously filed a claim for disability discrimination with the EEOC in June, 2001, thereby putting Defendants on notice of his intention to assert his disability claim.

Defendants have failed to oppose said motion. Accordingly, the Court grants Plaintiffs' Motion for Leave to File Fifth Amended Complaint (Doc. 74). Unfortunately, while Plaintiffs attached a copy of their proposed Fifth Amended Complaint, counsel did not sign the pleading. As such, it cannot be deemed filed as of the date of this Order. Plaintiffs shall therefore have fifteen (15) days following the filing of this Order in which to file their Fifth Amended Complaint.

Defendant, International Paper, moves the Court for a 60-day extension of both the Discovery and Dispositive Motion deadlines, previously set for June 30, 2003 and August 29,

2003, respectively. Plaintiffs did not oppose International Paper's request. The Court, however, notes that the District Court has scheduled a Final Pretrial Conference for January 9, 2004 and a Trial date of January 20, 2004. Unlike the Discovery deadline, the Dispositive Motion deadline, if extended, simply shortens the time that the District Court has to decide dispositive motions, and has the effect of re-prioritizing previously assigned and scheduled work.

**IT IS THEREFORE ORDERED THAT**

- 1) International Paper's Motion for Extension of Discovery and Filing of Dispositive Motions (Doc. 74) be GRANTED IN PART and DENIED IN PART. The Discovery deadline is EXTENDED to August 29, 2003, but the Dispositive Motion deadline REMAINS as previously set.
- 2) Plaintiffs Motion for Leave to File Fifth Amended Complaint (Doc. 89) be GRANTED. Plaintiffs' SHALL FILE their Fifth Amended Complaint WITHIN FIFTEEN (15) DAYS following the filing of this Order.

August 28, 2003

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s/Timothy S. Hogan  
Timothy S. Hogan  
United States Magistrate Judge